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Attorneys for Defendants, LVMPD

Devin Ballard and Patrick Neville

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

CHARLES MOSER,

Plaintiff,

vs.

DEVIN BALLARD, an Individual;  
PATRICK NEVILLE, an Individual; and  
LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,

Defendants.

Case Number:  
2:17-cv-01704-APG-NJK

**STIPULATION AND ORDER TO  
CONTINUE TRIAL**

**(FOURTH REQUEST)**

Plaintiff Charles Moser ("Plaintiff"), by and through their attorneys of record, Daniel Marks, Esq. and Adam Levine, Esq. of Law Office of Daniel Marks, and Defendants, the Las Vegas Metropolitan Police Department (the "Department" or "LVMPD"), Devin Ballard ("Ballard") and Patrick Neville ("Neville") (collectively "LVMPD Defendants"), by and through their attorneys of record, Nick D. Crosby, Esq. and Jackie V. Nichols, Esq., of Marquis Aurbach, hereby submit this joint stipulation to continue the Trial Date currently set in this case on a stack for the week of July 10, 2023 [ECF No. 45].

Accordingly, the parties hereby stipulate and agree as follows:

1. The Court scheduled the trial stack [ECF No. 45] for the week of July 10, 2023 at 9:00 A.M.

2. Within the past week, counsel for Plaintiff learned that he will need to establish a guardianship for his elderly, 89-year-old father. Additionally, counsel for

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1 Plaintiff must also assist his elderly father in transitioning from independent living housing  
2 to assisted living housing. Counsel for Plaintiff anticipates this will take up the majority of  
3 his time over the next 45 to 60 days. Due to the urgency to care for his father, counsel for  
4 Plaintiff will be unable to prepare for and attend trial on the currently scheduled stack.

5 3. Since the filing of the Third Request Defendants' counsel is now scheduled  
6 for a trial in the Eighth Judicial District Court, in Case No. A-20-811918-C to being on July  
7 24, 2023 and is scheduled to last approximately 3 weeks.

8 4. The Parties agree to vacate the current trial setting on a stack the week of July  
9 10, 2023 at 9:00 A.M. be vacated and the trial set no earlier than the month of November,  
10 2023.

11 IT IS SO STIPULATED.

12 Dated this 12th day of June, 2023.

Dated this 12th day of June, 2023.

13 LAW OFFICE OF DANIEL MARKS

MARQUIS AURBACH COFFING

14 By: /s/ Adam Levine  
15 Daniel Marks, Esq.  
16 Nevada Bar No. 2003  
17 Adam Levine, Esq.  
18 Nevada Bar No. 4673  
19 610 S. Ninth Street  
20 Las Vegas, Nevada 89101  
21 Attorneys for Plaintiff Charles Moser

By: /s/ Jackie V. Nichols  
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Las Vegas, Nevada 89145  
Attorneys for Defendants, LVMPD  
Devin Ballard and Patrick Neville

### ORDER

21 IT IS SO ORDERED that the trial date set for July 10, 2023 in this matter is  
22 VACATED and reset for November 13, 2023 at 9:00 A.M. and calendar call on November  
23 7, 2023 at 9:00 A.M. in LV Courtroom 6C.

24 IT IS SO ORDERED this 12th day of June, 2023.

25  
26   
27 United States District Court Judge  
28